

HOUSE No. 944

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act prohibiting drug switching payments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex
Stephen J. Buoniconti	Hampden
Christine E. Canavan	10th Plymouth
John W. Scibak	2nd Hampshire
Elizabeth A. Malia	11th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROHIBITING DRUG SWITCHING PAYMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 10 of Chapter 176O of the General Laws is hereby amended by adding the following
2 subsection:-

3 (d) No contract between a carrier, including a dental or vision carrier, and a participating
4 provider shall include any incentive plan that includes a specific payment to the participating
5 provider as an inducement to change a prescription for a drug or medical product issued to a
6 covered person from one specific drug or medical product to another. Nothing in this subsection
7 shall prohibit incentive plans that (1) do not make reference to any specific prescription drug or
8 medical product and (2) comply with the provisions of subsection (b). The commissioner may
9 impose a fine of \$10,000 per violation of this subsection.